

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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JOSE RODRIGUEZ-QUEZADA,

Case No. 3:23-cv-00130-MMD-CLB

Petitioner,

ORDER

v.

KYLE OLSEN, *et al.*,

Respondents.

Jose Rodriguez-Quezada's 28 U.S.C. § 2254 petition for a writ of habeas corpus is before the Court on motions by both parties. For the reasons discussed below, the Court will grant both motions.

First, Rodriguez-Quezada has filed a motion for leave to file certain exhibits under seal. (ECF No. 17.) While there is a presumption favoring public access to judicial filings and documents, *see Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978), a party seeking to seal a judicial record may overcome the presumption by demonstrating "compelling reasons" that outweigh the public policies favoring disclosure, *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (citations omitted). In general, "compelling reasons" exist where the records may be used for improper purposes. *Id.* at 1179 (citing *Nixon*, 435 U.S. at 598). Here, Rodriguez-Quezada ask to file his presentence investigation report ("PSI") under seal because it is confidential under state law. He also asks to file some of his medical records as well as some of the victim's medical records under seal in order to comply with federal medical records privacy rights laws. The Court has reviewed the PSI and the medical records and concludes that Respondents have demonstrated compelling reasons to file the exhibits under seal. Accordingly, the motion is granted, and the exhibits will remain under seal.

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3 Second, Respondents have filed a motion for extension of time to file a response  
4 to the petition. (ECF No. 19.) Respondents explain that while they timely requested the  
5 trial court record from the Ninth Judicial District Court (Douglas County, Nevada), they  
6 have not yet received the record. The Court finds that the request is made in good faith  
7 and not solely for the purpose of delay, and therefore, good cause exists to grant the  
8 motion.

9 It is therefore ordered that Petitioner's motion for leave to file exhibits under seal  
10 (ECF No. 17) is granted. The exhibits will remain under seal.

11 It is further ordered that Respondents' unopposed motion for extension of time to  
12 file a response to the petition (ECF No. 19) is granted *nunc pro tunc*. The deadline to file  
13 the response is extended to February 12, 2024.

14 DATED THIS 15<sup>th</sup> Day of December 2023.  
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17 MIRANDA M. DU  
18 CHIEF UNITED STATES DISTRICT JUDGE  
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